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Preface

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Preface

It was during the April 2007 UN forum on Online Dispute Resolution (ODR) hosted by Graham Ross in Liverpool that I met Pablo Cortés for the first time. He was telling with great enthusiasm about the research he was conducting on norms for ODR. He clearly believed in the benefits of ODR, and his aim was to stimulate the use of ODR by designing an appropriate, coherent legal framework for the European Union. As you can find out when reading this book, he successfully accomplished his mission.

One and a half years later we encountered again in Cork, in a very different setting, namely during his Viva (the confidential oral examination for Ph.D candidates) in University College Cork, Ireland. His defence of *Developing Online Dispute Resolution for Consumers in the European Union*¹ started October 3, 2008, at 13:30. Fully in line with the topic of the thesis I logged into Skype that morning in the hotel, and when I did an alert popped up. It appeared to be the birthday of our mutual friend and colleague, Colin Rule. So during the Viva I started with asking him whether he had congratulated Colin. This was obviously not the type of question he expected, but I explained the question was not referring to benefiting from Colin's groundbreaking work in ODR (as we all do), but because it was Colin's birthday. This first 'question' remained the only one he did not answer accurately, I quote from the Viva rapport:²

The candidate started with a clear presentation of the topic of the thesis. He dealt with the questions in a very accurate way, addressing the necessary issues fluently and demonstrated a very good understanding of the domain.

October 2008 was in fact a fruitful month for norms on Online Dispute Resolution. Coincidentally the same month Susan Schiavetta defended her remarkable doctoral dissertation entitled *Electronic Alternative Dispute Resolution - Increasing Access To Justice Via Procedural Protections* at the University of Oslo (Norway) on October 23 and 24, 2008.³ But back to Pablo; he did not only write on ODR, but has been an active participant of the standardisation of ODR project by the EU/CEN as well:⁴ he has provided feedback and attended the first meeting in Brussels in 2008. Furthermore even before this book was published, his work has been read by a large group of students. I used excerpts from his thesis in an ODR module of an international LL.M in business law course on E-commerce Law in spring 2009. The students did highly appreciate this part of the course, and considered the writing by Pablo Cortés really valuable. Also a group of Dutch students in my Master course on Internet Law, both in 2008 and 2009, learned many things from an early version of a chapter of this book which was part of mandatory reading.

In September 2009, in Barcelona, on his home ground, Pablo Cortés presented during an ODR event and he then asked me if I would be willing to write this preface. I immediately accepted, and am very glad to be in the position of recommending this work.

¹ In the initial invitation entitled *Developing Online Dispute Resolution in Europe for Electronic Contracts*.

² By Professor Steven Hedley (supervisor), Dr. Darius Whelan, and I.

³ Supervisors were Professors Ola Mestad and Lee Bygrave. The adjudication committee consisted of Professors Hans Jacob Bull, Elizabeth Thornburg, and I.

⁴ Final CEN Workshop Agreement (CWA) was published in September 2009, the members of the project team were Andrea Borri (Firenze Tecnologia, Italy), Jacques Gouimenou (TIGA technologies, France), Brian Hutchinson (University College of Dublin, Ireland), Arno R. Lodder and Vincent Tilman (Eurochambres)

As said, this book is well suited for students, but also for both academics and practitioners interested in norms on ODR. Before the Viva I had read the manuscript of the Ph.D-thesis that the present book is based upon with great pleasure. I quote once more from the rapport:

“The candidate has written a solid work with thorough considerations of the issues, and good use of the literature. He supplemented his literature review with several interviews with stakeholders in the field of ODR. He developed along the lines of existing recommendations the idea of drafting a Directive⁵ to harmonise necessary elements of building trust in ODR. His proposal is nuanced, sophisticated, and mature. The candidate writes in a pleasant style, synthesises and analyses the material very well.”

This is indeed a great book, by a talented scholar of whom I expect we will hear much more. As the preface reveals I met Pablo in Liverpool, Cork, Brussels, and Barcelona, so maybe it would be a good idea if he presents me the print of the book in person, in Amsterdam. On the other hand, we live in the information society, so an e-book or a hard copy via normal post is fine too. Maybe most fitted to the topic of the book is if he informs me online, using Skype, an ODR platform, or with our avatars in a virtual world. One way or the other, I am sure I will re-read the book, and highly recommend its reading.

Amsterdam, January 2010

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⁵ It must be noted that the thesis recommended the drafting of a Directive; conversely this book recommends the drafting of a Regulation as a more appropriate legislative instrument for the harmonisation of ODR standards.